

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Plaintiffs,

JAMES SCHOPF and  
GENE SCHOPF

C.A. No.

## COMPLAINT

1. This is an action to recover damages for personal injuries suffered in a motor vehicle accident.

2. Plaintiffs are lawfully married adult citizens of the Commonwealth of Virginia, residing at 10800 Hinton Court, Glen Allen Virginia 23060.

3. Defendant, James Schopf, is an adult citizen of the Commonwealth of Pennsylvania, residing at 1900 State Road, Lancaster, Pennsylvania 17601.

Pennsylvania, residing at 3493 Marietta Avenue, Lancaster, Pennsylvania 17601.

**Jurisdiction**

5. This Court has jurisdiction of this matter under 28 U.S.C. § 1332, in that there is diversity of citizenship between Plaintiffs and Defendants and the amount in controversy herein exceeds \$150,000, exclusive of interest and costs.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391, as that in which Defendants reside and that in which the cause of action alleged herein arose.

**Operative Facts**

7. On or about April 10, 2004, at approximately 9:43 am, Plaintiff Roddy Stratiou was driving his 2000 Toyota 4Runner south on Centerville Road near the intersections of Hunters Path and Harrisburg Pike.

8. Defendant James Schopf was driving his 1992 Ford F250 with an attached trailer north on Centerville Road near the intersections of Hunters Path and Harrisburg Pike.

9. About this time, the trailer that Mr. Schopf's vehicle was pulling came loose and began shifting back and forth. The trailer then swung into the southbound lane of Centerville Road.

10. Mr. Stratiou was in the southbound lane of Centerville Road when the trailer suddenly slid into his lane. Despite attempting to avoid the trailer, the trailer hit the left front of Mr. Stratiou's vehicle causing Mr. Stratiou serious personal injuries.

**COUNT I**

**Negligence**

11. All the proceeding paragraphs are incorporated herein as if set forth in full.

12. The above-mentioned accident resulted solely from the negligence of Defendants, who upon information and belief negligently attached the trailer to Defendant James Schopf's vehicle. The accident was due in no manner whatsoever to any act or failure to act on the part of Mr. Stratiou.

13. Defendants owed Plaintiff Roddy Stratiou a duty of care, which included the duty to drive safely and to insure that all of the equipment attached to Mr. Schopf's truck was fastened properly.

14. Defendants breached their duty of care to Mr. Stratiou and Defendants' breach was the direct, proximate and legal cause of Mr. Stratiou's injuries.

15. As a result of said accident, Mr. Stratiou suffered serious bodily injuries and damages, including, but not limited to:

- (a) severe compound comminuted fracture of his right tibia;
- (b) laceration to the right hand;
- (c) a puncture wound and abrasions to his left foot;
- (d) multiple surgeries;
- (e) difficulties in performing work related duties including, but not

limited to kneeling and squatting;

(f) impairment of functional abilities for which he underwent physical therapy;

(g) present and future severe physical and mental pain, anguish, and suffering, which will continue for an indefinite time into the future;

(h) loss of the enjoyment of life and life's pleasures, which will continue for an indefinite time into the future;

(i) loss of ability to pursue his usual endeavors which will continue for an indefinite time into the future;

(j) medical bills;

(k) loss of earnings and loss of earning capacity; and

(l) loss of the enjoyment of raising his two children in a normal fashion, which has resulted in emotional distress and mental pain.

WHEREFORE, Plaintiff demands judgment against Defendants for damages in excess of \$150,000, plus interest and costs of suit.

## **COUNT II**

### **Loss of Consortium**

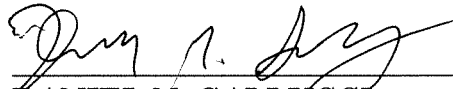
16. All the proceeding paragraphs are incorporated herein as if set forth in full.

17. As a result of the negligence of Defendants and the injuries suffered by Mr. Stratiou as more fully described above, Plaintiff Kim Stratiou has suffered the

loss of care, services, consortium, aid, society, comfort and companionship of her husband, Mr. Stratiou.

WHEREFORE, Plaintiff demands judgment against Defendants for damages in excess of \$150,000, plus interest and costs of suit, and punitive damages in an appropriate amount.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan N. Gallucci', is written over a horizontal line.

DANIEL N. GALLUCCI  
I.D. No. 81995

RODA & NAST, P.C.  
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DATED: April 3, 2006

Attorney for the Plaintiffs